Calendar No. 869

100TH CONGRESS
2d Session

SENATE

REPORT
100-453

AUTHORIZING THE ESTABLISHMENT OF THE CHARLES PINCKNEY NATIONAL HISTORIC SITE IN THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES

AUGUST 5, 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3960]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 3960) to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 3960, as ordered reported, is to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

BACKGROUND AND NEED

H.R. 3960 would establish the Charles Pinckney National Historic Site in the vicinity of Charleston, South Carolina. This property is currently known as the "Snee Farm". The historic site would be managed pursuant to the Act of August 25, 1916 (the Organic Act of the National Park Service) and the Act of August 21, 1935 (the Historic Sites, Buildings and Antiquities Act).

Charles Pinckney's greatest contribution to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final

S313-34

draft and to the resolution of problems which arose during the deliberations. Pinckney also authored a draft of the Constitution, known as the Pinckney draft. It is believed that as many as 31 provisions of his draft were later incorporated into the Constitution.

The house at Snee Farm is one of only eight remaining primary dwellings that can be directly associated with a signer of the Constitution. It is the only such dwelling that is threatened by development. The home is a simple one-and-a-half story, clapboard structure that was built in 1754 by Col. Charles Pinckney, Sr., father of the signer of the Constitution. The farm house is the centerpiece of a serene 21 acre tract of farm land. The 233-year-old house and its surrounding acres have been recognized by the National Park Service as a national historic landmark, a designation reserved for the Nation's most important historic and cultural treasures. Unfortunately, such designation offers no significant protection from the adverse effects of development.

In response to a proposal by the owner of Snee Farm to build 41 single-family luxury homes on the site, last winter, the National Park Service listed Snee Farm as one of the Nation's most "threatened" landmarks. Private efforts have been underway for some time to purchase the site. Considerable funds have been raised and it is likely that these private efforts will be successful in acquiring the property and donating it to the Park Service.

LEGISLATIVE HISTORY

H.R. 3960 was introduced by Congressman Ravenel on February 17, 1988. On June 23, 1988, a hearing was held by the Subcommittee on Public Lands, National Parks and Forests on the companion measure, S. 2058, introduced by Senators Thurmond and Hollings.

At the business meeting on Wednesday, August 3, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 3960, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on Wednesday, August 3, 1988, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 3960, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston*	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler*	
Mr. Conrad	

Mr. McClure
Mr. Hatfield
Mr. Weicker*
Mr. Domenici*
Mr. Wallop*
Mr. Murkowski
Mr. Nickles
Mr. Hecht
Mr. Evans*

*Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1(a) establishes the Charles Pinckney National Historic Site in the State of South Carolina.

Section 1(b) describes the historic site as consisting of the lands and interests in lands as generally depicted on the map entitled "Charles Pinckney National Historic Site", numbered NA-CPNHS 80,000 and dated June 1988.

Section 2 authorizes the Secretary of the Interior to acquire lands, interests in lands, and improvements within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchanges. The Committee commends the major fundraising effort to acquire the property which should result in its donation to the National Park Service. The Secretary is also authorized to acquire personal property associated with and appropriate for the interpretation of the site by the same means.

Section 3 directs the Secretary to administer the historic site in accordance with the laws generally applicable to units of the National Park System. The Secretary shall provide for the preservation and interpretation of Snee Farm and the interpretation of the life of Charles Pinckney and the early history of the United States.

Section 4 directs the Secretary to prepare a general management plan for the historic site within three years after enactment of this Act, and to submit it to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

Section 5 authorizes such sums as may be necessary to be appropriated to carry out the purposes of this act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time that report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3960. The Act is not a regulatory measure in the sense

of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3960, as reported.

EXECUTIVE COMMUNICATIONS

On July 14, 1988, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3960. These reports had not been received at the time the report on H.R. 3960 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agency at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, PUBLIC LANDS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 2058, A BILL TO ESTABLISH THE CHARLES PINCKNEY NATIONAL HISTORIC SITE IN THE STATE OF SOUTH CAROLINA.

JUNE 23, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 2058, a bill to establish the Charles Pinckney National Historic Site in the State of South Carolina.

Mr. Chairman, we support enactment of S. 2058 if amended as we suggest.

Snee Farm, as Charles Pinckney's home has been traditionally referred to, has both structural integrity and an original location in a remarkably unaltered setting. However, I should hasten to add that the integrity of the setting is threatened with despoilation by developers who are intent on subdividing the estate even as we speak.

But there is a positive side to this story. It is encouraging to witness the sincere dedication of the many citizens of this country who have come to the rescue of Snee Farm in its moment of need. A group of concerned local citizens, headed by South Carolinians whose names would be recognizable to many Americans and some of whom are here today to testify in support of this bill, has come to the forefront to raise the funds necessary to save Snee Farm. When its fate seemed sealed, and preliminary construction begun, the quickly organized volunteer preservation group known as Friends of Snee Farm purchased an option on the property and undertook the daunting task of raising the $2 million necessary to acquire the property from the developer. In just a few months they have raised approximately $1,000,000 to purchase the property in hopes of donating it to the National Park Service. Their efforts have enjoyed bipartisan support from

the entire South Carolina Congressional delegation. We not only support what the Friends are trying to do but extend to them our sincere thanks for their selfless efforts.

Just who was Charles Pinckney and why is it important to have his home in the National Park System? Charles Pinckney was, among other accomplishments, the second youngest delegate to the Constitutional Convention after having served in the Continental Congress and in the State legislature of South Carolina. While his role in the Constitutional Convention has been labeled controversial by some, historians do agree that he ranked among its leaders. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during the debates. He also labored successfully for ratification of the document in his home State of South Carolina in spite of intense opposition. Following his successes related to the Constitution, Pinckney became Governor for two terms and was president of the convention which drew up a new constitution for South Carolina. He later served a third term as Governor and also as U.S. Senator. In 1801 he was rewarded for his role as Thomas Jefferson's campaign manager in South Carolina by being appointed Minister to Spain, at which time he facilitated the negotiation of the Louisiana Purchase. Later he was to serve a fourth term as Governor followed by two terms as a member of the State Assembly before his death in 1824.

During this period of celebration of the Bicentennial of the Constitution it is only fitting that Charles Pinckney's Home should be retained in its current condition for future generations of Americans. It is one of the very few authentic surviving sites associated with a Framer of the Constitution. It should also be noted that the significance of Snee Farm transcends Charles Pinckney and his distinguished family, which included another signer of the Constitution from South Carolina, his second cousin Charles Cotesworth Pinckney.

While perhaps not architecturally unique or breathtakingly palatial, Snee Farm is an excellent representative of 18th century farm house construction. It is perhaps this simplicity and pleasing design that has been the key to its having been maintained remarkably well over the years, as it has served as a desirable permanent residence by its many owners.

We cannot speak of Snee Farm without again gratefully acknowledging the herculean efforts of a small group of concerned citizens who have labored long and hard to raise the monies necessary to save the property. We wish to publicly express our deep and sincere thanks to these people who have chosen to make a strong statement in support of our Nation's heritage. Every American benefits from their generosity and sacrifice.

Mr. Chairman, in speaking about the strong local as well as national support that this effort has engendered, it is appropriate to recommend that no property acquisition authority other than donation be authorized in this instance. Given the size of the federal deficit, it would be both unfair and counterproductive to raise false expectations concerning this Department's ability to swiftly provide sufficient funding to save this valuable resource. Private fundraising efforts will be far quicker and thus more likely to result in public ownership of Snee Farm. We would note, also, that fees would be charged at this area, from which we would expect to recover a portion of the annual costs of operations.

We would offer three minor amendments for the Committee's consideration. Section 2 states that this measure is aimed at protecting and interpreting the home, whereas the home is merely a vehicle for addressing the far more important element, namely Charles Pinckney himself. Secondly, Section 3(a) should authorize acquisition by donation only. Finally, we suggest that Section 3(b) be amended to establish precise boundaries for the

historic site by reference to a map of the property to be donated.

Mr. Chairman, this concludes my prepared statement on S. 2058. I would be pleased to respond to any questions you or other Members of the Committee may have at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3960, as reported.

O